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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,415	11/21/2000	Akihisa Kenmochi	14090	6487
23389	7590	08/10/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			DENNISON, JERRY B	
400 GARDEN CITY PLAZA			ART UNIT	
SUITE 300			PAPER NUMBER	
GARDEN CITY, NY 11530			2143	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,415

Applicant(s)

KENMOCHI, AKIHISA

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,9 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5, 9, and 13-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This Action is in response to the Amendment for Application Number 09/717,415 received on 4 May 2006.
2. Claims 2, 3, 5, 9, and 13-35 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the retained information". There is insufficient antecedent basis for this limitation in the claim. Examiner will interpret the limitation to read, "the retained accessibility information."

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 3, 5, 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Deo et al. (U.S. 7,024,450).

3. Regarding claim 17, Deo disclosed a network contents managing system comprising:

a plurality of apparatuses connected to a network wherein each apparatus of the plurality of apparatuses comprises a contents file and a contents monitoring unit that outputs contents modification information when the apparatus modifies the contents file (Deo, col. 4, lines 10-15, disclosed a service administrator that controls the distribution of managed objects among service processing nodes; Deo, col. 4, lines 40-60, Deo disclosed each service processing node including its own local database for data management; col. 4, lines 29-35, Deo disclose managed objects that are newly created or modified in the service creating environment are also submitted to the service administrator for storage in the global database);

a contents database retaining accessibility information for each of the contents files of the plurality of apparatuses (Deo, col. 4, lines 12-17, Deo disclosed a global database of record where service functions are stored as managed objects; col. 4, lines 29-35, Deo disclose managed objects that are newly created or modified in the service creating environment are also submitted to the service administrator for storage in the global database); and

a database managing unit, wherein said database managing unit updates the contents database according to the contents modification information (Deo, col. 4, lines 29-35, Deo disclose managed objects that are newly created or modified in the service creating environment are also submitted to the service administrator for storage in the global database).

4. Regarding claim 2, Deo disclosed the limitations, substantially as claimed, as described in claim 17, including wherein the contents monitoring unit further outputs the contents modification information when the retained accessibility information is modified as a result of a mounting/removing of a removable medium (Deo, col. 5, lines 10-15, Deo disclosed data management of objects based upon network hardware attributes including availability of specialized equipment; col. 5, lines 35-45, Deo also disclosed management of equipment deployment and operating status).

5. Regarding claim 3, Deo disclosed the limitations, substantially as claimed, as described in claim 17, including wherein the network monitoring unit detects a power on/off the plurality of apparatuses connected to the network and retains in the contents database retained information reflecting the power on/off of the plurality of apparatuses connected to the network (Deo, col. 5, lines 35-45, Deo also disclosed management of equipment deployment and operating status).

6. Regarding claim 5, Deo disclosed the limitations, substantially as claimed, as described in claim 17, including a power monitoring unit for monitoring a power operation of at least one apparatus of the plurality of apparatuses connected to the network (Deo, col. 5, lines 35-45, Deo also disclosed management of equipment deployment and operating status) and a remote start unit for activating at least one of the contents database, a retrieval request detection unit, a network monitoring unit, a

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database retrieval unit, the database managing unit, and the retrieval result output unit at another apparatus of the plurality of apparatuses connected to the network (Deo, col. 4, lines 25-35).

7. Regarding claim 14, Deo disclosed the limitations, substantially as claimed, as described in claim 17, including wherein the contents database associates the content file with an apparatus identification number, and retains the apparatus identification number while including apparatus usable state data with the apparatus identification number; and the database managing unit performs registration and modification to the contents database upon receipt of the connection state information and the contents modification information (Deo, col. 5, lines 37-45).

8. Regarding claim 15, Deo disclosed the limitations, substantially as claimed, as described in claim 14, including wherein the database managing unit changes the apparatus usable state data not shown in the connection state to be unusable (Deo, col. 5, lines 37-45).

9. Regarding claim 16, Deo disclosed the limitations, substantially as claimed, as described in claim 14, including wherein the database managing unit changes the apparatus usable state data of the information including the apparatus identification number shown in the connection state to be usable (Deo, col. 5, lines 37-45).

10. Regarding claim 18, Deo disclosed the limitations, substantially as claimed, as described in claim 17, including a network monitoring unit that monitors a change in connection state to the network of at least one of the apparatuses of the plurality of apparatuses and outputs a new apparatus connection state as connection state information when the connection state of the apparatus changes, wherein the database managing unit further updates the contents database according to the connection state information (Deo, col. 4, lines 50-60, col. 5, lines 25-30, 37-45).

11. Regarding claim 19, Deo disclosed the limitations, substantially as claimed, as described in claim 18, including wherein the contents monitoring unit further outputs the contents modification information when retained information is modified as a result of a mounting/removing of a removable medium (Deo, col. 5, lines 9-13, 20-30).

12. Regarding claim 20, Deo disclosed the limitations, substantially as claimed, as described in claim 18, including wherein the network monitoring unit detects a power on/off of the plurality of apparatuses connected to the network and retains in the contents database retained information reflecting the power on/off of the plurality of apparatuses connected to the network.

Claim 17 rejected under 35 U.S.C. 102(e) as being anticipated by Doi et al. (U.S. 6,970,919).

13. Regarding claim 17, Doi disclosed a network contents managing system comprising:

a plurality of apparatuses connected to a network wherein each apparatus of the plurality of apparatuses comprises a contents file and a contents monitoring unit that outputs contents modification information when the apparatus modifies the contents file;

a contents database retaining accessibility information for each of the contents files of the plurality of apparatuses; and

a database managing unit, wherein said database managing unit updates the contents database according to the contents modification information (Doi, col. 5, lines 20-30, col. 6, lines 13-15, 25-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al. (U.S. 7,024,450) in view of admitted prior art (AAPA).

14. Regarding claims 13, Deo disclosed the limitations, substantially as claimed, as described in claims 17. Deo did not explicitly state including a database edition unit for

enabling a user to edit the contents database. Examiner takes Official Notice (see MPEP § 2144.03) that database administration in a computer networking environment was well known in the art at the time the invention was made.

15. Claims 21-35 including limitations that are substantially similar to the limitations of claims 2, 3, 5, and 13-19, and are therefore rejected under the same rationale.

Response to Arguments

Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *including new claims*) to the claims which significantly affected the scope thereof.

The Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP § 2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response, including a statement why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. database administration, are now established as admitted prior art of record for the

course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943) and MPEP § 2144.03, paragraph (C).

Examiner highly review of classification 709/224, titled "Computer Network Monitoring", before making amendments to the claims, as independent claim 17 is extremely broad.

As it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

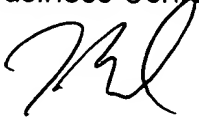
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

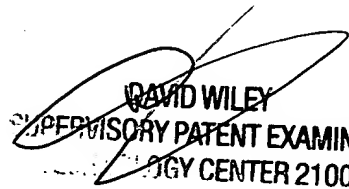
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner
Art Unit 2143



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